

JUN - 7 2005

FILED
CLERK'S OFFICE.**DOCKET NO. 1456****BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION**

The County of Fulton v. Abbott Laboratories, Inc., et al., N.D. New York,
C.A. No. 6:05-519

The County of Putnam v. Abbott Laboratories, Inc., et al., S.D. New York,
C.A. No. 1:05-4740

The County of Genesee v. Abbott Laboratories, Inc., et al., W.D. New York,
C.A. No. 1:05-6206

County of Steuben v. Abbott Laboratories, Inc., et al., W.D. New York,
C.A. No. 6:05-6223

CONDITIONAL TRANSFER ORDER (CTO-22)

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 54 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be

continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.

JUN 23 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

U.S. District Court
Northern District of New York [LIVE - Version 2.4] (Utica)
CIVIL DOCKET FOR CASE #: 6:05-cv-00519-DNH-DEP

The County of Fulton v. Abbott Laboratories, Inc. et al
Assigned to: Judge David N. Hurd
Referred to: Magistrate Judge David E. Peebles
Related Case: [5:05-cv-00088-FJS-GHL](#)
Cause: 28:1331 Fed. Question: Breach of Contract

Date Filed: 04/29/2005
Jury Demand: None
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Plaintiff

Fulton County

represented by **Aaron D. Hovan**
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Plaintiff

County of Fulton

represented by **Aaron D. Hovan**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Abbott Laboratories, Inc.

Defendant

Agouron Pharmaceuticals, Inc.

Defendant

Alcon Laboratories, Inc.

Defendant

Allergan, Inc.

Defendant

Alpharma, Inc.

Defendant

Amgen, Inc.

Defendant

Andrx Corp.

Defendant

Astrazeneca Pharmaceuticals L.P.

Defendant

Aventis Pharmaceuticals, Inc.

Defendant

Barr Laboratories, Inc.

Defendant

Bayer Corp.

Defendant

Ben Venue Laboratories, Inc.

Defendant

Berlex Laboratories, Inc.

Defendant

Biogen Idec, Inc.

Defendant

Biovail Pharmaceuticals, Inc.

Defendant**Boehringer Ingelheim Corp.****Defendant****Boehringer Ingelheim Pharmaceuticals,
Inc.****Defendant****Bristol-Meyers Squibb Company****Defendant****Dermik Laboratories, Inc.****Defendant****Dey, Inc.****Defendant****Eisai, Inc.****Defendant****Eli Lilly and Company****Defendant****Endo Pharmaceuticals, Inc.****Defendant****Ethex Corp.****Defendant****Forest Laboratories, Inc.****Defendant****Forest Pharmaceuticals, Inc.****Defendant****Fujisawa Healthcare, Inc.****Defendant****Fujisawa USA, Inc.****Defendant****Genentech, Inc.****Defendant****Genzyme Corp.****Defendant**

Gilead Sciences, Inc.

Defendant

Glaxosmithkline, P.L.C.

Defendant

Greenstone, Ltd.

Defendant

Hoffman-La Roche, Inc.

Defendant

Immunex Corp.

Defendant

Ivax Corp.

Defendant

Ivax Pharmaceuticals, Inc.

Defendant

Janssen Pharmaceutica Products, LP

Defendant

Johnson & Johnson

Defendant

King Pharmaceuticals

Defendant

McNeil-PPC, Inc.

Defendant

Medimmune, Inc.

Defendant

Merck & Co., Inc.

Defendant

Monarch Pharmaceuticals, Inc.

Defendant

Mylan Laboratories, Inc.

Defendant

Mylan Pharmaceuticals, Inc.

Defendant

Novartis Pharmaceuticals Corp.

Defendant

Novo Nordisk Pharmaceuticals, Inc.

Defendant

Oncology Therapeutics Network Corp.

Defendant

Organon Pharmaceuticals USA, Inc.

Defendant

Ortho Biotech Products LP

Defendant

Ortho-McNeil Pharmaceutical, Inc.

Defendant

Par Pharmaceutical, Inc.

Defendant

Pfizer, Inc.

Defendant

Pharmacia Corp.

Defendant

Purdue Pharma, L.P.

Defendant

Purepac Pharmaceutical Co.

Defendant

Reliant Pharmaceuticals

Defendant

Roche Laboratories, Inc.

Defendant

Roxane Laboratories, Inc.

Defendant

Sandoz, Inc.

Defendant

Sanofi-Synthelabo, Inc.

Defendant**Schering Corp.****Defendant****Schering-Plough Corp.****Defendant****Smithklinebeecham Corp.***doing business as*

Glaxosmithkline

Defendant**Takeda Pharmaceuticals North America, Inc.****Defendant****Tap Pharmaceutical Products, Inc.****Defendant****Teva Pharmaceutical USA, Inc.****Defendant****UCB Pharma, Inc.****Defendant****UDL Laboratories, Inc.****Defendant****Warrick Pharmaceuticals Corp.****Defendant****Watson Pharma, Inc.****Defendant****Watson Pharmaceuticals, Inc.****Defendant****Wyeth**

Date Filed	#	Docket Text
04/28/2005	1	COMPLAINT against Alcon Laboratories, Inc., Allergan, Inc., Alpharma, Inc., Amgen, Inc., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Barr Laboratories, Inc., Bayer Corp., Ben Venue Laboratories, Inc., Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim

	<p>Pharmaceuticals, Inc., Bristol-Meyers Squibb Company, Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., Greenstone, Ltd., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, King Pharmaceuticals, McNeil-PPC, Inc., Medimmune, Inc., Merck & Co., Inc., Monarch Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Organon Pharmaceuticals USA, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corp., Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Laboratories, Inc., Roxane Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Schering Corp., Schering-Plough Corp., Smithklinebeecham Corp., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corp., Watson Pharma, Inc., Watson Pharmaceuticals, Inc., Wyeth, Abbott Laboratories, Inc., Agouron Pharmaceuticals, Inc. (Filing fee \$ 250 receipt number ALB000756) filed by The County of Fulton. (Attachments: # 1 Exhibit(s) A# 2 Memorandum of Law B# 3 Exhibit(s) C# 4 Exhibit(s) D# 5 Exhibit(s) E)(ban) (Entered: 04/29/2005)</p>
04/28/2005	<p>Summons Issued as to Alcon Laboratories, Inc., Allergan, Inc., Alpharma, Inc., Amgen, Inc., Andrx Corp., AstraZeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Barr Laboratories, Inc., Bayer Corp., Ben Venue Laboratories, Inc., Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Bristol-Meyers Squibb Company, Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., Greenstone, Ltd., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, King Pharmaceuticals, McNeil-PPC, Inc., Medimmune, Inc., Merck & Co., Inc., Monarch Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Organon Pharmaceuticals USA, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corp., Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Laboratories, Inc., Roxane Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Schering Corp., Schering-Plough Corp., Smithklinebeecham Corp., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corp., Watson Pharma, Inc., Watson Pharmaceuticals, Inc., Wyeth, Abbott Laboratories, Inc., Agouron Pharmaceuticals, Inc.. (ban) (Entered: 04/29/2005)</p>

04/28/2005	<u>2</u>	G.O. 25 FILING ORDER ISSUED Initial Conference set for 9/1/2005 09:30 AM in Syracuse before Magistrate Judge David E. Peebles. Civil Case Management Plan due by 8/22/2005. (ban) (Entered: 04/29/2005)
05/13/2005	<u>3</u>	Letter from Aaron Hovan, outside counsel requesting Adjournment of Deadlines <i>for the County of Fulton</i> . (Hovan, Aaron) (Entered: 05/13/2005)
05/19/2005		NOTICE sent to counsel by CRD for Judge Peebles. Due to the letter submitted to the court on 5/13/05 from Aaron Hovan, Esq., the Rule 16 Conference scheduled before Judge Peebles on 9/1/05 at 9:30 am in Syracuse has been ADJOURNED WITHOUT DATE. This case will be tracked until September for status. (sal,) (Entered: 05/19/2005)

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